

Appl. No. 09/809,654
Reply to Office Action of January 25, 2005

REMARKS

This Amendment is responsive to the Final Office Action dated January 25, 2005. Applicant has amended claims 1, 14-16, 29, 31 and 46. Amendments to claims 14, 15, 29 and 46 correct minor typographical errors. Claims 1-46 are pending.

Applicant respectfully requests entry of this Amendment. The amendments to the claims should place the application in condition for immediate allowance, and should require no further search or consideration of new issues by the Examiner. The amendments clarify the meaning of "color response" in the claims, and have now been submitted in light of the Examiner's additional remarks concerning interpretation of this term.

Claim Rejection Under 35 U.S.C. § 102

In the Final Office Action, the Examiner rejected claim(s) 1-6, 15-21, 30-31, 35-37, and 46 under 35 U.S.C. 102(b) as being anticipated by Hill et al. (US 6,023,714). Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claims. Hill et al. fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

In response to Applicant's arguments filed on September 3, 2004, the Examiner stated that the "capabilities" of the display device taught by Hill et al. are equivalent to the color response taught by Applicant's claims. The Examiner asserted that the term "color response" "in and of itself is a broad limitation and does not preclude the multiple capabilities of Hill et al. from reading on" the term. The Examiner went on to state that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Although Applicant does not agree with the Examiner's assertions, Applicant has amended independent claims 1, 16 and 31 to more clearly define the term "color response" in order to expedite prosecution of the application toward allowance. In particular, the independent claims now state that the color response includes information relating to an actual gamma determined for the display device. As is well known in the art, the gamma for a display device is the parameter that relates the output produced by the display device to the input applied to the

Appl. No. 09/809,654

Reply to Office Action of January 25, 2005

display device. For example, the specification states that gamma "refers to a parameter γ that indicates the rate of change in light intensity with change in digital device value." Page 29, lines 7-8.

The amendments to the claims to more clearly define the term "color response" should overcome the rejections raised by the Examiner in view of Hill et al. The Hill et al. reference fails to disclose or suggest formulating a text file containing color commands for presentation of objects within a web page based on a color response of a display device associated with a client on a computer network, wherein the color response includes information relating to an actual gamma determined for the display device, and communicating the text file via the computer network, as recited by Applicant's amended claim 1.

Likewise, Hill et al. fails to teach or suggest a computer-readable medium containing instructions that cause a programmable processor to formulate a text file containing color commands for presentation of objects within a web page based on a color response of a display device associated with a client on a computer network, wherein the color response includes information relating to an actual gamma determined for the display device, as recited by Applicant's amended claim 16.

In addition, Hill et al. fails to disclose a system comprising a color correction module that formulates a text file containing color commands for presentation of objects within a web page for a web page based on a color response of a display device, wherein the color response includes information relating to an actual gamma determined for the display device, as recited by Applicant's amended claim 31.

In general, the claimed invention formulates a text file containing color commands for presentation of objects within a web page based on the color response of a particular display device. The color response includes information relating to an actual gamma determined for the display device. In this manner, text files can be used to customize web content to compensate for color response differences among different display devices. By formulating text files according to specific color response characteristics, the claimed invention permits assignment of more accurate color values to web page objects.

For example, web pages communicated to individual clients reference the text files formulated for display devices associated with those clients, and thereby assign customized

Appl. No. 09/809,654

Reply to Office Action of January 25, 2005

colors to the objects within the page, promoting increased color accuracy. In particular, the colors of the displayed web page objects can be made to more accurately match the colors of the objects as originally intended.

Hill et al. makes no mention of the formulation of a text file, such as a style sheet, based on a color response of a display device, wherein the color response includes information relating to an actual gamma determined for the display device. In contrast, Hill et al. describes a layout generator 300 that generates style definitions based on the static capabilities of a display device instead of a color response of the display device. More specifically, the layout generator 300 interrogates the display device to determine the capabilities of an output device and generates one or more style definitions based on the response to the interrogation.

The display device capabilities set forth by Hill et al. are clearly not equivalent to a display device color response, as recited by Applicant's claims. As stated by Hill et al., "The capabilities of the display device may include resolution, size and color palette. The capabilities may also include user-defined browser parameters, such as the size of browser window and the browser font size." Col. 9, lines 27-31 Hill et al. also states "[f]or the display device, the capabilities include resolution, aspect ratio, physical size of the display, physical size of the browser window, color depth, color palette and supported fonts." Column 10, lines 23-26.

On the contrary, Applicant's claims require the use of a color response including information relating to an actual gamma determined for the display device. As described in Applicant's specification, a "web page can be designed to guide the user associated with client 14 through a series of steps for input of color response information such as blackpoint, gamma, and gray balance." Page 8, lines 27-28 The display device capabilities contemplated by Hill et al. do not relate to the color response of a display device. In particular, capabilities such as resolution, size and color palette convey no information about the actual gamma of the display device. Rather, such capabilities relate to static technical specifications of a display device, rather than color response characteristics representing the actual, physical output of the display device.

Selection of style sheets according to technical specification of a display device, per Hill et al., is fundamentally different from formulating a text file containing color commands for presentation of objects within a web page based on a color response of a display device

Appl. No. 09/809,654
Reply to Office Action of January 25, 2005

associated with a client. A color response of a device is distinct from a color palette, color depth or other color capability of a device. A color palette of a display device is simply the range of colors available to be applied to elements on a page. Similarly, the color depth of a display device refers to the number of variations of color that can be displayed by device. Neither of these characteristics represents a color response, which includes information relating to an actual gamma determined for the display device.

Hence, two display devices with the same color capabilities, per Hill et al., may have entirely different color responses. For example, the devices may have different gammas due to manufacturing differences, component aging, system drift, or system settings. The claimed invention formulates a text file containing color commands for presentation of objects within a web page based on such a color response. Consequently, Hill et al. fails to teach or suggest the subject matter of independent claims 1, 16 and 31 which require formulating a text file containing color commands for presentation of objects within a web page based on the color response of the device associated with the client, wherein the color response includes information relating to an actual gamma determined for the display device.

With respect to claim 31, Applicants further point out that Hill et al. makes no mention of color correction or a color correction module. In particular, the layout generator described by Hill et al. does not formulate a text file containing color commands for presentation of objects within a web page based on a color response of a display device associated with a client on a computer network, wherein the color response includes information relating to an actual gamma determined for the display device, as recited by amended claim 31. Instead, as discussed above, the layout generator merely relies on static device capabilities to generate a style sheet.

Therefore, claims 31-46 are patentable over Hill et al. in view of this additional difference.

For at least these reasons, the Hill et al. reference cannot support a prima facie case for anticipation of Applicant's claims 1-6, 15-21, 30-31, 35-37, and 46 under 35 U.S.C. § 102(b). Withdrawal of these rejections is requested.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 7, 8, 22, 23, 32-34, and 38-39 under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. (US 6,023,714) and rejected claims 9-

Appl. No. 09/809,654

Reply to Office Action of January 25, 2005

14, 24-29, and 40-45 under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. (US 6,023,714) in view of Bernard et al. (WO 00/29935). Applicant respectfully traverses the rejections to the extent such rejections may be considered applicable to the claims as amended.

Claims 7, 8, 22, 23, 32-34, 38 and 39

Applicant respectfully traverses the rejection of claims 7, 8, 22, 23, 32-34, 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. Claims 7 and 8 are dependent on amended claim 1, claims 22 and 23 are dependent on amended claim 16, and claims 32-34, 38 and 39 are dependent on amended claim 31. Hill et al. fails to disclose or suggest the requirements of independent claims 1, 16 and 31 for at least the reasons stated previously in this Amendment and, are therefore in condition for allowance. Thus, dependent claims 9-14, 24-29, and 40-45 are also in condition for allowance.

Claims 9-14, 24-29, and 40-45

Applicant respectfully traverses the rejection of claims 9-14, 24-29, and 40-45 under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. in view of Bernard et al. Claims 9-14 are dependent on amended claim 1, claims 24-29 are dependent on amended claim 16, and claims 40-45 are dependent on amended claim 31. Hill et al. fails to disclose or suggest the requirements of independent claims 1, 16 and 31 for at least the reasons stated previously in this Amendment. Bernard et al. provides no teaching sufficient to cure the basic deficiencies described above with respect to Hill et al. In addition, as discussed below, Bernard et al. provide no teaching that would have suggested modification of the Hill et al. system to include the additional features set forth in claims 9-14, 24-29, and 40-45. Therefore, claims 9-14, 24-29, and 40-45 are also in condition for allowance.

The Examiner acknowledged that Hill et al. fails to disclose characterizing the color response of a display device by guiding the client through a color profiling process. The Examiner cited Bernard et al., however, as teaching remote characterization of the capabilities of a client output device by delivering images. On this basis, the Examiner concluded that it would have been obvious to modify the Hill et al. system to 'have involved the user in the color profiling process taught in Bernard et al., because Bernard et al. teach having optimal user

Appl. No. 09/809,654

Reply to Office Action of January 25, 2005

display settings, which can best be determined by the user, would have increased user confidence for online purchases." Applicants respectfully traverse this rejection.

Again, Hill et al. makes no mention of color profiling or the determination of a color response for a display device. Instead, Hill et al. is merely concerned with the static capabilities of a display device. Accordingly, one of ordinary skill in the art would not have even contemplated modification of Hill et al. to formulate a text file based on a color response including information relating to an actual gamma determined for a display device.

Moreover, while D1 addresses color correction of tagged image files, nowhere does this reference consider formulation of a text file containing color commands for presentation of objects within a web page. Examples of web page objects include text, tables, and boxes. D1 focuses on the need to provide accurate color for tagged images referenced within a web page, but fails to mention the desirability of specifying color for web page objects. Applicant's claimed invention appreciates the additional advantages of providing color accuracy for other aspects of a web page.

In view of these shortcomings, one of ordinary skill in the art would have found no teaching in Hill et al. or Bernard et al. that would have suggested the inventions defined by claims 9-14, 24-29, and 40-45.

Rejection for Obviousness-type Double Patenting:

The Examiner also provisionally rejected claims 1-46 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-46 of commonly owned copending Application No. 09/808,850 ("850 application"). Once again, Applicant respectfully defers a response to this provisional rejection until issuance of the '850 application.

Appl. No. 09/809,654
Reply to Office Action of January 25, 2005

CONCLUSION

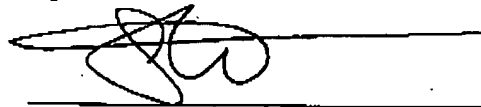
All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

4-25-05

SHUMAKER & SIEFFERT, P.A.
8425 Seasons Parkway, Suite 105
St. Paul, Minnesota 55125
Telephone: 651.735.1100
Facsimile: 651.735.1102



Name: Steven J. Shumaker
Reg. No.: 36,275